

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 4:</b> Assessment	<b>Effective Date:</b> July 1, 2008
	<b>Section 6:</b> Exigent Circumstances	<b>Version:</b> 2

## POLICY

When exigent circumstances are determined to **exist** for an alleged child victim of abuse/neglect interview, the Indiana Department of Child Services (DCS) **is not required** to obtain consent from the child's parent/guardian/custodian prior to interviewing the child.

DCS defines exigent circumstances as situations that would cause a reasonable person to believe that a **timely interview** (See separate policy, [3.9 Initiation Times for Assessments](#)) with the child is necessary due to concerns for the **child's well-being and safety**, and that **seeking parental/guardian/custodian consent first may cause harm to the child or place the child at greater risk**.

DCS will assume exigent circumstances exist when:

1. The parent/guardian/custodian is the alleged perpetrator or is allegedly aware of the maltreatment of the child victim and has allegedly not assured his/her safety.
2. The safety of the alleged child victim might be jeopardized by delaying the interview and/or notifying the parent/guardian/custodian.
3. There is reason to believe that essential evidence would not be available if there were delay or notice.
4. The homeless unaccompanied minor is voluntarily receiving shelter from an emergency shelter or shelter care facility without the presence or consent of a parent, guardian, or custodian.
5. When exigent circumstances **do not exist**, DCS **will** seek consent from the child's parent/guardian/custodian prior to conducting an interview with a child. See related policy, [4.5 Consent to Interview Child](#).

Supervisory approval is not required to validate the decision made by the Family Case Manager (FCM) regarding whether exigent circumstances are present.

### Code References

[IC 31-36-3-3: Homeless Children](#)

## PROCEDURE

The FCM will:

1. Determine if exigent circumstances exist based on his/her best judgment and assessment of all information available at the time.
2. If the FCM has determined exigent circumstances exist, proceed with interviewing the child without consent from the parent/guardian/custodian. Notify the parent/guardian/custodian as soon as possible after the interview, but no later than the same day in which the interview occurred.

**Note:** For homeless unaccompanied minors voluntarily receiving shelter without the presence or consent of a parent, guardian, or custodian, an assessment must be conducted within **48 hours** of receiving the report, but no later than **72 hours** of the child entering the shelter. If child abuse and/or neglect is believed to have occurred the location of the shelter may not be disclosed to the parent by DCS.

3. If the FCM has determined that exigent circumstances do not exist, follow all procedures in the [4.5 Consent to Interview Child](#) policy.

## RELATED INFORMATION

### **Determining if Exigent Circumstances Exist**

Every CA/N Intake report should be evaluated on its own merit and the FCM should always make decisions that support the safety, well-being and due process for the child. Such an evaluation requires the application of critical thinking skills to carefully assess the current safety factors and the potential risk of future harm to the child.

In the following examples, seeking parent/guardian/custodian permission prior to interviewing the child would further endanger the child:

1. The child self-reports CA/N allegations to DCS or a professional (e.g. - teacher, doctor) and the child requests an interview with DCS without parent/guardian/custodian consent.
2. The parent is the alleged perpetrator **and** there are immediate concerns for the child's safety. In this example, it would be in the best interest of the child to interview him/her immediately at a location other than the child's home.
3. The child's uncle is the alleged perpetrator of sexual abuse. There was a previous report of alleged sexual abuse of the child by this uncle. The assessment report documents that the parent did not believe the allegations. In this situation, the FCM has reason to believe that the parent will not provide for the safety of the child.

### **Decision Support**

DCS Central Office will stand behind the decision made by the FCM provided the FCM:

1. Made the decision based on the best interests of the safety and well-being of the child; and,
2. Sought Supervisory validation **IF** the FCM was unclear about whether or not the safety and well-being of the child may have been compromised by seeking consent prior to interviewing; and
3. Clearly documented his/her rationale in the assessment records.

## FORMS AND TOOLS

N/A